REMARKS

The Office Action dated October 27, 2003 has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. By this Amendment, claims 1-2 and 4-12 have been further amended to more clearly particularly point out and distinctly claim the invention. No new matter has been added. Accordingly, claims 1-12 are pending in this application and are submitted for consideration.

Claims 1-4 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Young et al. (U.S. Patent No. 5,808,608, "Young"). Applicant respectfully submits that claims 1-4 and 11 recite subject matter that is neither disclosed nor suggested in Young.

Applicant's amended claim 1 recites a timer reservation device for starting a recording onto a record medium automatically at a reserved date and time. The device includes reservation setting means capable of setting a first reservation program to reserve repetitive executions of a same reservation setting for a plurality of days. The reservation setting extends from a recording start time to a recording end time. Remaining capacity detecting means detect the recordable remaining capacity of the record medium, and calculating means calculate up to what date the recording of the first reservation program is executable on the record medium, based on the recordable remaining capacity and the recording time of one execution of the first reservation program.

Applicant's amended claim 11 recites a recording and reproducing apparatus for

starting a recording onto a record medium automatically at a reserved date and time. The device includes reservation setting unit capable of setting a first reservation program to reserve repetitive executions of a same reservation setting for a plurality of days, the reservation setting extending from a recording start time to a recording end time. Remaining capacity detecting circuit detects the recordable remaining capacity of the record medium. Calculating circuit calculates up to what date the recording of the first reservation program is executable on the record medium, based on the recordable remaining capacity and the recording time of one execution of the first reservation program.

In making this rejection, the Office Action took the position that Young discloses all of the elements of the claimed invention. However, it is respectfully submitted that the prior art fails to disclose or suggest the structure of the claimed invention, and therefore, fails to provide the advantages of the present invention. For example, the timer reservation device of the present invention is configured to include calculating means that calculate up to what date the recording of the first reserved program is executable on the record medium, based on the recordable remaining capacity and the recording time of one execution of the first reserved program.

As a result of the claimed configuration, up to what date the recording of a reserved program is executable on a record medium can be calculated from the recordable capacity of the record medium and the recording time of one execution of the reserved program, so that the user is informed of the final recordable date of the program for repetitive reservations. Thus, it becomes possible to resolve the inconveniences resulting from shortage of record medium capacity available.

Young discloses a background television schedule system and process that displays a small background schedule guide that can be easily accessed by a user during lulls in the primary television play or program. Figs. 1-7 illustrate the user interface. Screens 10, 12, 14, 18 and 20 each consist of an array 24 of a regular cells 26 that vary in length, corresponding to different television program lengths. Figs. 1-3 show column 28 headed by half-hour increments. Figs. 2 and 3 show recording status representations. When a program is selected for recording, listing shell 26 is highlighted according to four record status representations. Schedule grid 20 is shown with program note overlay 52 in Fig. 6.

Because the limited text capacity of a television display, program note overlays 52 are used such as run-time of a program. Figs. 1-3 and 5-6 show a channel column 54 in the television grid 24. Favorite stations and cable channels may be listed together to create a personalized grid guide. Figs. 9 and 10 show channel grazing overlays 64 and 66 that provide information on current programs when switching channels while watching television. As shown in Fig. 12, an express recording screen includes information such as title of program, length of program, tape time remaining, and recording speed. Fig. 13 shows a tape index screen 76. Tape index screen 76 provides a virtual tape directory that functions as a table of contents for the tape recording. The "What's on Tape" command displays a list of titles of programs recorded on the tape and stored in a non-volatile memory. Figs. 14-17 illustrate theme function screens 104. The theme function allows the viewer to quickly sort the downloaded schedule and display a sublet schedule based on subject of interest. Fig. 20 shows a channel customization screen 116 that allows the user to customize channels to match

viewing interests. Figs. 23 and 24 illustrates the cable decoder controller. The system automatically generates codes recognizable by the cable decoder 2012.

The Office Action stated that Young discloses the reservation setting means or unit in column 24, line 16-64 and Fig. 25 of Young. The Office Action also stated that the calculating means is disclosed in column 4, lines 29-36, and lines 52-67. The Office Action further pointed to Figs. 12 and 13. However, upon review of these sections and Figures, although Fig. 12 may show the length of the program and the tape time remaining, nowhere is it disclosed that a first reservation program reserves repetitive executions of the same reservation setting for a plurality of days, as recited in claims 1 and 11 of the present invention. Contrary to the present invention, Young discloses in the Figures that programs having the same timing about the starting and ending time are reserved for a plurality of days.

Still further, there is also no disclosure in Young of a calculation means for calculating up to what date the recording of the first reservation program is executable on the recording medium, based on the recordable remaining capacity and the recording time of one execution of the first reservation program, as recited in claims 1 and 11. Fig. 13 of Young appears to only disclose a tape index screen.

Thus, Young fails to disclose or suggest a reservation setting means or unit for setting a first reservation program to reserve repetitive executions of a same reservation setting for a plurality of days, as recited in amended claims 1 and 11. Young also fails to disclose or suggest a calculating means or circuit that calculates up to what date the recording of the first reservation program is executable on the record medium, based on

the recordable remaining capacity and the recording time of one execution of the first reservation program, as also recited in amended claims 1 and 11.

Moreover, the reservation setting means, remaining capacity detecting means and the calculating means, as recited in claim 1, are written in means-plus-function language. In reviewing means-plus-function claims, not only is it required to be shown that the structure is disclosed or suggested by the prior art, it also has to be shown that the prior art structure is performing the same function as being claimed. Thus, Applicant submits that this rejection is improper.

Therefore, it is respectfully submitted that the Applicant's invention, as set forth in claims 1 and 11, is not anticipated within the meaning of 35 U.S.C. § 102.

Still further, as claims 2-4 are dependent upon claim 1, Applicant submits that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reason.

Claims 5-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Young in view of Windows NT Screen Capture 1 and 2.

Applicant's amended claim 9 recites a timer reservation device for starting a recording onto a record medium automatically at a reserved date and time. The device includes reservation setting means capable of setting a first reservation program to reserve repetitive executions of a reservation setting for a plurality of days and a second reservation program to reserve an execution of a reservation setting at a designated date alone. The reservation settings each extending from a recording start time to a recording end time. Remaining capacity detecting means detect the recordable remaining capacity of the record medium. Calculating means calculate up to what date

the recording of the first reservation program is executable on the record medium, based on the recordable remaining capacity. The recording time of one execution of the first reservation program, and, if the second reservation program is to be executed prior to the first reservation program, the recording time of the second reservation program.

Applicant's amended claim 12 recites a recording and reproducing apparatus for starting a recording onto a record medium automatically at a reserved date and time. The apparatus includes a reservation setting unit capable of setting a first reservation program to reserve repetitive executions of a same reservation setting for a plurality of days and a second reservation program to reserve an execution of a reservation setting at a designated date alone. The reservation settings each extending from a recording start time to a recording end time. A remaining capacity detecting circuit detects the recordable remaining capacity of the record medium. A calculating circuit calculates up to what date the recording of the first reservation program is executable on the record medium, based on the recordable remaining capacity, the recording time of one execution of the first reservation program, and, if the second reservation program is to be executed prior to the first reserved program, the recording time of the second reservation program.

As will be discussed below, Applicant respectfully submits that claims 5-10 and 12 recite subject matter that is neither disclosed nor suggested by any combination of the prior art.

Regarding claim 5, the Office Action took the position that Young discloses all the elements of the claimed invention, except that the timer reservation device requires a recording capacity smaller than or equal to the recordable capacity of said record

medium, and displays on said display means that the recording to be executed for said second reservation program is recordable on said record medium. Windows NT Screen Capture 1 was cited for curing this deficiency.

Regarding claim 6, the Office Action took the position that Young discloses all the elements of the claimed invention except for teaching displaying on said display means that the recording for said second reservation program is unrecordable on said record medium. Windows NT Screen Capture 2 was cited for disclosing an error message showing the status of unrecordable.

With respect to claims 5 and 6, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to modify Young by the prior art Windows NT Screen Capture 1 and 2, to be able to cancel the recording process or to be able to add an error status feature. However, it appears that Windows NT Screen Capture 1 and 2 only show the remaining capacity of the recording medium, and an error message that indicates when the remaining capacity of the recording medium is to be exceeded, respectively.

Further, regarding claim 5, Applicant is unable to find in the combination of Young and Windows NT screen capture 1 where if the second reservation program is to be executed prior to the first-to-be-executed reservation setting of the first reservation program and requires a recording capacity smaller than or equal to the recordable capacity of the record medium, the display means displays that the recording to be executed for the second reservation program is recordable on said record medium. Additionally, as further recited in claim 6, Applicant is unable to find in the combination of Young and Windows NT screen capture 2 where, if the second reservation program

is to be executed prior to the first-to-be-executed reservation setting of the first reservation program, and requires a recording capacity greater than the recordable capacity of the record medium, the display means displays that the recording for the second reservation program is unrecordable on the record medium.

Furthermore, with respect to claims 7-12, the Office Action has failed to specifically point out which features in the combination of the prior art disclose or suggest the claimed invention. For example, as discussed above, Young fails to disclose or suggest a reservation setting means or unit or a calculating means or circuit. Furthermore, claims 9 and 12 of the present invention further recite that, with respect to the reservation means or unit, a second reservation program is recited to reserve an execution of a reservation setting at a designated date alone. Additionally, the calculating means or circuit further recites calculating up to what date the recording of the first reservation program is executable on the record medium, based on the recordable remaining capacity, the recording time of one execution of the first reservation program, and if the second reservation program is to be executed prior to the first reservation program, the recording time of said second reservation program.

According to MPEP § 706.02(j), after indicating a rejection is relied upon under 35 U.S.C. § 103, the Office Action should set forth the relevant teachings of the prior art relied upon, the difference or differences in the claim over the applied references, the proposed modification of the applied reference necessary to arrive at the claim subject matter, and an explanation as to why one of ordinary skill in the art would have been motivated to make such a proposed modification.

Therefore, as discussed above, Applicant submits that Young and Windows NT Screen Capture 1 and 2, either alone or in combination, fail to disclose or suggest the claimed invention.

Thus, it is respectfully submitted that the Applicant's invention, as set forth in claims 9 and 12 is not obvious within the meaning of 35 U.S.C. § 103.

Still further, as claims 5-8 depend upon claim 1, and claim 10 depends upon claim 9, Applicant submits that each of these claims are patentable for at least the same reasons as given above.

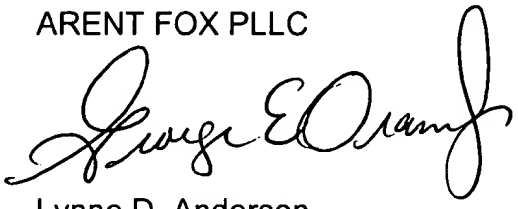
In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 1-12, and the prompt issuance of a Notice of Allowability are respectfully solicited.

If this application is not in condition for allowance, the Examiner is requested to contact the undersigned at the telephone listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107156-00030.**

Respectfully submitted,

ARENT FOX PLLC



Lynne D. Anderson
Attorney for Applicant
Registration No. 46,412

Customer No. 004372
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: (202) 857-6000

27431

GEO:LDA